

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION**

NOAH J. OATES,

Petitioner,

v.

STATE OF ALABAMA, *et al.*,

Respondents.

Case No. 6:23-cv-00951-RDP-SGC


**MEMORANDUM OPINION**

The Magistrate Judge entered a Report and Recommendation on September 26, 2023, recommending the dismissal of this action without prejudice for failure to prosecute. (Doc. 4). The Magistrate Judge further recommended denial of a certificate of appealability to the extent it might be required. (*Id.*). Although the Report and Recommendation advised Petitioner of his right to file written objections within fourteen days, the court has not received any objections.

After careful consideration of the record in this case and the Magistrate Judge's Report and Recommendation, the court **ADOPTS** the Report and **ACCEPTS** the recommendation. Consistent with that recommendation, this matter is due to be dismissed without prejudice for failure to prosecute. FED. R. CIV. P. 41(b). To the extent a certificate of appealability may be required here, it will be denied.

A final judgment will be entered.

**DONE** and **ORDERED** this October 18, 2023.

  
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**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE